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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

STATE OF ALASKA DEPARTMENT OF)
NATURAL RESOURCES and)
DEPARTMENT OF TRANSPORTATION)
AND PUBLIC FACILITIES,)
)
Plaintiffs,)
)
v.)
UNITED STATES OF AMERICA; AGNES) Case No.: 4:13-cv-00008-RRB
M. PURDY, BARBARA A. REDMON, on)
behalf of Anne L. Purdy, et al.) JOINT NOTICE REGARDING APRIL
) 1, 2021 TEXT ORDER [DKT. 326]
Defendants.)
)

On April 1, 2021, this Court issued a text order noting the issuance of the Ninth Circuit's mandate and stating its understanding that "this matter has been resolved in its entirety." [Dkt. 326]. The Court also informed the parties that it would "dismiss this matter" and enter final judgment unless either party files a notice of objection on or before April 16, 2021. [*Id.*]

Plaintiffs State of Alaska Department of Natural Resources and Department of Transportation and Public Facilities and Defendant United States file this joint notice objecting to dismissal of Counts I-V of the State's amended complaint. The Court issued a partial final

judgment, which addressed Count VI of the State's amended complaint on October 26, 2018 [Dkt. 281]. That partial judgment, and the underlying order Granting Necessity for Taking, Setting Just Compensation, and Granting Motion *in Limine*, were appealed to the Ninth Circuit. Counts I-V of the State's amended complaint were not resolved by the Court's partial final judgment.

Counts II-V are claims involving non-Federal Defendants (excluding the Purdy's) and the United States. Each of the non-Federal defendants have either been defaulted or filed disclaimers of interest and waivers of service. Therefore, the remaining issues involve only the State and the United States. On November 27, 2018, the Court granted the State's and United States' joint motion to lift stay and schedule deadlines. [Dkt. 287]. The Court has subsequently granted motions to amend the scheduling order; the most recent scheduling order was issued on July 6, 2020. [Dkt. 321]. The State and the United States are continuing with discovery and engaged in settlement discussions in compliance with that order.

For these reasons, the State and the United States do not object to the Court dismissing Count IV per the Court's previously issued partial final judgment, but do object to the dismissal of Counts I-V, which still need to be resolved.

Dated: April 9, 2021.

TREG R. TAYLOR
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Certificate of Service

I certify on April 9, 2021 the foregoing **JOINT NOTICE REGARDING APRIL 1, 2021 TEXT ORDER [DKT. 326]** was served electronically on the parties listed on the Court's ECF/CM system:

/s/Christina M. Fisher

Christina M. Fisher

Legal Office Assistant